

and "34" as shown in FIG. 7. The amended section reads, "Fig. 7 illustrates an embodiment wherein the holder includes both a vertically disposed adjustment section 34 and a horizontally disposed adjustment section 32." Applicant further submits that this amendment is not new matter since the horizontal and vertical adjustment sections were described in the original specification (they were just not numbered); and since the horizontal and vertical adjustment sections were shown in FIG. 7 as filed. Further and favorable action on this objection is appreciated.

35 USC §102(b)

Reconsideration and allowance are requested of Claims 1, 6-11, 21, and 22 which were rejected under 35 USC §102(b) as being anticipated by Catt. MPEP § 706.02(b) states that a §102(b) rejection can be overcome by persuasively arguing that the claims are patently distinguishable from the prior art reference, and/or by amending the claims to patently distinguish over the prior art reference.

Applicant respectfully submits that the amendments made to Claim 1 make it patently distinguishable over the Catt patent. Applicant's Amended Claim 1 claims "an adjustable support member" and "an adjustable spacing member." This adjustability is not taught by the Catt patent. Catt teaches that, "the width of the channel is somewhat greater than the width of the edge of the board." But, "[i]f required, the width of the channel could be reduced to be substantially the same as that of the boards to be carried therein." (Catt page 17, lines 24-28). This does not teach adjustability of the channel by the user. Catt's reduction in channel size simply allows for the channel to be made at

different widths depending on the desired end use. Adjustability is an entirely novel concept that provides convenience to the user by allowing him/her to adjust the support member whenever and wherever the user desires. This is essential in Applicant's invention because often times a hunter will need to adjust the device when he/she is up in a tree stand or out in the woods.

Applicant's Claim 1 provides for adjustability both in the horizontal and vertical direction, whereas Catt only teaches a channel *width* that can be "reduced" "if required." (Catt p. 17 lines 26-27). In Applicant's claimed invention it is not the channel width that is adjustable horizontally, but it is the distance the channel or cradle is away from the user's body. Thus, in Applicant's claimed invention the channel or cradle remains the same width the entire time. The horizontal adjustment provides several patently distinguishable advantages over a non-adjustable device. This horizontal adjustability allows the user to have the bow or other object at different lengths away from his/her body. It may be important to have the bow close to the body when walking through narrow woods, or in a small tree stand. Whereas it may be more comfortable to have the bow at a greater distance from the body when walking long distances in open spaces.

Applicant's Claim 1 also provides for adjustability in the vertical direction. This concept of a vertical adjustment on the spacing member is not taught by Catt, and it provides several novel advantages over Catt. The vertical adjustment allows the user to carry a bow or other article at different heights off of the ground, which is beneficial since users are generally different heights with different sized bows. It may be more

comfortable to walk with the bow hanging lower, but more accessible to grab the bow when it is raised. Also hunters often kneel down or are in a crouched position in which it may be beneficial to have the bow raised away from the ground so it does not touch the ground or tree stand.

Applicant respectfully submits that Claim 7 is patently distinguishable from Catt. Applicant's Claim 7 allows for an opening in the support member wall to accommodate an arrow. Catt simply does not teach any such opening for any purpose, nor is any such opening shown in Catt's FIG. 4. Catt teaches an "apparatus for . . . the carriage of articles by an individual." Specifically for articles in the construction industry such as "boards, slabs, sheet material or rods or the like" (Catt page 1, lines 4-10). Thus, Catt's invention does not teach carrying anything below the support member, and therefore there would not be a need for an opening in any part of the support member. The objects carried in Catt are long planer articles that are being supported by the support member. They are not irregular shaped and Catt does not teach a hole in the support member for an object such as an arrow to go through.

Applicant respectfully submits that Claim 8 is patently distinguishable from Catt. Applicant's Claim 8 claims a support member comprised of "two or more support arms." These support arms cradle the bow string while the bow is resting in the device. Catt uses no such cradling technique. Catt merely has one channel on which the articles rest, not "two or more . . . arms." The examiner refers to reference numeral "54" in citing support arms in the Catt patent, however, "54" in Catt are part of a hinge means. This hinge means does not support any weight nor do they cradle any object.

The two support arm design in Applicant's claimed invention allows an opening to be formed between the support arms. This opening allows an arrow to be strung while the bow string rests in the arms. The tail end of the arrow can protrude through the opening between the arms. This is important in hunting because when an animal is spotted, a hunter wants to minimize his/her movement and sound so the animal does not get scared away. Having an arrow already on the bow string minimizes the steps a hunter needs to take to raise the bow and shoot.

Claims 6-10, 21, and 22 all depend from Claim 1 and therefore include its limitations. The same arguments advanced regarding Claim 1 are of equal applicability to these claims.

35 USC §103(a)

Reconsideration and allowance are requested of Claim 13 which was rejected under 35 USC §103(a) as being unpatentable over Catt. It is the position of the patent examiner that the "two openings" of Applicant's Claim 13 would have been obvious "since applicant has not disclosed that two openings formed in the support member solves any states problem or is for any particular purpose"

A *prima facie* case of obviousness requires (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, (2) there must be a reasonable expectation of success, *and* (3) the prior art references must teach or suggest all the claim limitations. Applicant submits that a *prima facie* case has not been established.

The base Claim 1, upon which Claim 13 depends has been amended to recite additional structural limitations which patently distinguish Applicant's invention over Catt's. Because of these additional limitations, the prior art does not teach or suggest all the claim limitations.

Applicant respectfully submits that the elements of Claim 13 have not been taught or suggested by Catt. Claim 13 clearly states "a wall having at least two openings formed therein." Catt clearly only teaches a wall with one opening. This difference in openings is not just a matter of "design choice" as the examiner has stated, but provides functional advantages over Catt's prior art. The primary advantage is stability. Applicant's invention is able to loop through a belt or strap which is then secured around the user. The fact that the strap enters through one opening and exits through another adds stability to the device. It is held more tightly to the user's body and cannot swing back and fourth. In contrast, Catt's single opening is designed to fit over a hook that is attached to the user. Merely hooking the device through one opening allows the opening to act as a pivot point through which the device is allowed to swing back and fourth. This swinging did not pose a problem in Catt's device since users would usually have their hands steadying the long planar article as they carried it. However, this is not the case with Applicant's invention. Applicant's invention must be sturdy enough not to swing back and fourth so the hunter will be able to walk or climb into a tree without having to have one hand to steady the bow.

Other advantages include versatility and general convenience. Catt's invention requires two different parts, both a bracket part and a hook/harness part. Whereas

Applicant's two opening configuration allows users to strap the bracket onto any belt or strap they already own without having to keep track of a separate hook part.

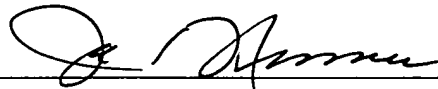
Allowable Subject Matter

Applicant appreciates examiner's determination that Claims 2-5 and 12 contain allowable subject matter. Applicant has cancelled claims 2-5 and 12 and rewritten them as Claims 23, 24, 25, 26, and 27, respectively, with Claim 23 (formerly Claim 2) in independent form that includes all of the limitations of the original base claim, Claim 1. Allowance of Claims 23, 24, 25, 26, and 27 is therefore requested.


It is submitted that this response places Applicant's application in condition for allowance, and therefore further and favorable action on this application is requested.

Respectfully submitted,

RANDY OXLEY

By 
James C. Nemmers
Attorney for Applicant

James C. Nemmers
500 Firststar Bank Bldg., P.O. Box 2107
Cedar Rapids, IA 52406
(319) 365-9461
Reg. No.: 19,143
November 14, 2002

<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231 on November 14, 2002.</p> <p> James C. Nemmers, Registered Representative</p>
--



ATTACHMENT B (Redlined Copy)

SPECIFICATION

It is presently preferred to provide an spacing member 4 adapted to hold the string at a fixed, selected distance that is a convenient length as desired or as determined by hunters. Of course, the particular configuration of the support member may further space the string resting position from the hunter's body (e.g. the radius of a curved support member etc.). In slightly more complex versions of the present invention, the spacing member may be extendable rather than fixed and the hunter may adjust either or both the horizontal and/or the vertical distance between the support member and the extension member. The present invention encompasses the use of adjustable members in either or both the horizontal and vertical direction. Fig. 7 illustrates an embodiment wherein the holder includes both a vertically disposed adjustment section 34 and a horizontally disposed adjustment section 32. Such adjustable elements may be incorporated into the engagement member 6, the spacing member 4, or the support member 2 as desired.

Preferred adjustment means include a nut and bolt in combination with a slot, expandable track connections, telescoping rod-like or tubular elements, or screw means. An accordion style expansion means is shown in Fig. 7. Of course, the particular type of expansion means used for the adjustable element may vary among any means convenient and appropriate for use under conditions given the expected load to borne, i.e. a compound bow.

CLAIMS

Claim 1 (Amended)

1. A holder adapted to support a stringed bow in a generally horizontal position outwardly from a hunters body at a position below the hunter's waist comprising:

An adjustable support member;

An adjustable spacing member combined with the support member and extending generally inwardly and upwardly therefrom;

an engagement member combined with said spacing member and being disposed generally above and inward from the support member .

Claim 23 (Added)

23. A holder adapted to support a stringed bow in a generally horizontal position outwardly from a hunters body at a position below the hunter's waist comprising:

_____ a support member;

_____ a spacing member combined with the support member and extending generally inwardly and upwardly therefrom;

_____ an engagement member combined with said spacing member and being disposed generally above and inward from the support member;

the support member comprising an inward section and an outward section, said sections forming an upwardly concave surface.

Claim 24 (Added)

24. The holder of Claim 23 wherein:

the upwardly concave surface is rounded.

Claim 25 (Added)

25. The holder of Claim 23 wherein:

the support member further comprises a bottom side connected to the inward section and the outward section and extending therebetween.

Claim 26 (Added)

26. The holder of Claim 23 wherein:

the support member inward section is adjustable.

Claim 27 (Added)

27. The holder of Claim 23 wherein the spacing member comprises:

a reinforcement body.